

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

FRANK BLAIR,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:06-cv-651-MEF
	)	
AETNA LIFE INSURANCE CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

This cause is before the Court on Defendants' Motion to Dismiss or, in the Alternative, For Summary Judgment (Doc. # 2), filed July 21, 2006. To the extent that the motion is a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim, the Court finds the motion is due to be DENIED. This Court feels that the Plaintiff has alleged "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1974 (2007).

The Defendants have also presented this Court with evidence that the Plaintiff and the decedent were divorced prior to her death. However, based on the limited factual record before the Court at this time, summary judgment at this stage of the case is not warranted. Consequently, the Defendants' Motion for Summary Judgment is due to be DENIED as well, with leave to refile a renewed motion for summary judgment at a later date.

For the reasons set forth above, it is hereby ORDERED that Defendants' Motion to Dismiss or in the Alternative For Summary Judgment (Doc. # 2) is DENIED.

DONE this the 28<sup>th</sup> day of November, 2007.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE